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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 HERMINO SANTIAGO-GARCIA,
15 Defendants.

Case No.: CR 11-00684 EJD

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

Honorable Edward J. Davila

16 _____/
17 **STIPULATION**

18 The defendant, Hermino Santiago-Garcia, and the government, through their respective
19 counsel, hereby stipulate that, subject to the Court's approval, the status hearing in the above-
20 captioned matter, presently set for January 9, 2012, at 1:30 p.m., be continued to February 13, 2012,
21 at 1:30 p.m.

22 The reason for the requested continuance is that Mr. Santiago-Garcia's defense counsel is on
23 extended maternity leave, and this matter will be reassigned within the Office of the Federal Public
24 Defender to Assistant Federal Public Defender Heather Rodgers, whose scheduled start date is
25 January 17, 2012. The Federal Public Defender respectfully requests that this matter be continued to
26 grant Mr. Santiago-Garcia's new counsel necessary time in order to effectively prepare.

STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 11-00684 EJD

1 Accordingly, the parties agree and stipulate that time should be excluded from January 9,
2 2012, through and including February 13, 2012, under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv), for effective preparation. Mr. Santiago-Garcia and the government
4 further agree that granting the requested exclusion of time will serve the interest of justice and the
5 ends of justice outweigh the interest of the public and the defendant in a speedy trial. The parties
6 therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
7 (B)(iv).

8 IT IS SO STIPULATED.

9 Dated: January 4, 2012

/s/
LARA S. VINNARD
Assistant Federal Public Defender

11 Dated: January 4, 2012

/s/
ANN MARIE URSINI
Special Assistant United States Attorney

13
14 ~~11-00684~~
[PROPOSED] ORDER

15 The parties have jointly requested a continuance of the hearing set for January 9, 2012, for
16 effective preparation of defense counsel. GOOD CAUSE APPEARING, IT IS HEREBY
17 ORDERED that the hearing date presently set for January 9, 2012 at 1:30 p.m., be continued to
18 February 13, 2012 at 1:30 p.m.

19 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
20 under the Speedy Trial Act from January 9, 2012 to February 13, 2012. The Court finds, based on
21 the aforementioned reasons, that the ends of justice served by granting the requested continuance
22 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
23 requested continuance would deny new defense counsel reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence.

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1 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§
2 3161(h)(8)(A) and (B)(iv).

3 IT IS SO ORDERED.

4 Dated: January 6, 2012



HON. EDWARD J. DAVILA
UNITED STATES DISTRICT COURT JUDGE